

CHANGES IN UTILITIES BILL.

THE WORK DONE BY GOV. HUGHES'S LEGAL ADVISER.

No indication that the Governor will recede from his position on the bill. The changes made are to perfect the measure—Kelsey Case Hangs Fire.

ALBANY, April 24.—While the Assembly Railroads Committee, in conjunction with Senator Page, is making amendments and changes to the public utilities bill, it is not the committee that is drafting the changes. That work is being done by Dean Huffer, Gov. Hughes's legal adviser, and William M. Ivins of New York city is making suggestions. To-day they were at work on the bill, and the changes they decided on are communicated to the Assembly Railroads Committee in typewritten form. The members of that committee consider the changes and every one that is sent to the committee has so far been adopted without any opposition.

It is believed that the bill will be in such shape that it can be submitted to the Governor by next Monday, although it had been intended to have the changes made by Friday. So numerous are they, though, that there is some doubt as to whether it can be done in that time.

Assemblyman Merritt, who with Senator Page drew the original bill, says that when the bill is reported to the Assembly it will be much improved and that the real idea at present is to perfect the measure. It is known that a number of matters that had been roughly drawn have been revised and the measure made more complete. The only ones who appear to have gained concessions are the railroad employees, who are taken care of in the matter of free transportation. The amendment makes it clear that in the event of a strike the Public Utilities Commission could not order the employees back to work, as labor unions appeared to think could be done under the terms of the original bill.

It has also been made apparent from indirect utterances that notwithstanding the opposition of the various commercial bodies of the State the Governor is not going to recede from his position on the bill. It was said that the matter of the removal of State Superintendent of Insurance Otto Kelsey might have some effect in causing the Governor to yield in some of the power of removal of commissioners. These same people now say that the action of the Senate has convinced the Governor more than ever that the power of removal should be lodged with him. They point to the fact that it is now nearing the third month since Gov. Hughes has taken the position of Kelsey, and there is no sign that the Senate will have taken action in the matter before the three months are up.

The Senate Judiciary Committee is to hold an executive session to-morrow morning, and Senator Davis, chairman of the committee, says that while the Kelsey matter may be considered, there is no doubt that action will be deferred until next week, and in view of the delays that have occurred it would not be at all surprising if something should occur next week to again defer action. Not until the case of Supt. Kelsey has been disposed of is there any likelihood of the Senate doing anything.

While the Assembly has adopted a resolution fixing the time for final adjournment of the Legislature for May 9, the Senate has refused to take the hint and get away. It is drifting along in the same way that has characterized the upper house since the organization of the Legislature. The real object in the Senate's aimlessness will be apparent within a short time, it is believed, and it will then be discovered that there was a deep seated object in pursuing the course that Senator John Raines has persisted in following.

After to-morrow the Assembly rules committee will take charge of all legislation in the lower house to make in order to make the Senate do something that committee may decide on a plan of its own. Not an important bill that has passed the Assembly according to the Bingham police bill has been acted upon by the Senate.

Sensors will begin to show some desire in getting personal legislation through during the closing days of the session and the Assembly rules committee may decide to hold up all Senate bills until the Senate shows a disposition to expedite matters.

SETTLED BY GOV. HUGHES.

Bill Extending for a Third Time the Time to Begin Work on a Railroad.

ALBANY, April 24.—Gov. Hughes does not propose to have the Legislature extend sleeping franchises of railroads. Although the Governor has signed two bills extending the time in which two railroads could begin operations, he explains that public necessity demanded his action and there was a bona fide effort on the part of the franchise holders to build the roads. To-day he vetoed the bill of Senator Hancock extending the time for beginning the building of the Davenport, Middleburg and Durham Railroad. In his veto message the Governor says:

The Davenport, Middleburg and Durham Railroad Company was incorporated in 1892. Under the railroad law it was required to begin the construction of its road and extend therein to one percent of the amount of its capital within five years and to complete the road within ten years. During the first five years, apart from the making of surveys and the required maps and profiles and the execution of contracts with vendors, apparently nothing was accomplished.

In 1907 its time to begin construction was extended until 1909 and the time for completion until 1912. In 1909 the Legislature further extended the time for completion until 1912 and the time for completion until 1912. But construction has not yet been commenced. A third extension is now provided for by this bill.

The franchise to be a railroad corporation and to construct and operate a railroad is not to be regarded as a bounty conferred without reciprocal obligations, but is permitted in view of a supposed public necessity. The condition that the railroad will be begun and completed within the prescribed time. This is an important policy, and it should not be nullified by the grant of extensions unless exceptional circumstances furnish a sufficient reason for giving further time to meet the conditions upon which the franchise was bestowed. There are no such circumstances in this case. If the railroad was to be built, it should have been begun and completed within the time specified. It should not be nullified by the grant of extensions unless exceptional circumstances furnish a sufficient reason for giving further time to meet the conditions upon which the franchise was bestowed.

There is likely always to be some hardship in the forfeiture of a charter, but the public interests require that the policy reflected in the statute should be maintained.

TO REMEDY CAR SHORTAGE.

American Railway Association Indorses Clearing House Plan.

CHICAGO, April 24.—Measures to minimize the shortage of freight cars were adopted to-day by the American Railway Association. The most important action was indorsing the American Railway Clearing House, an organization formed last January by railroad officials of Chicago with the object of bringing all the freight cars in the United States into a pool.

The association assumed the financial expense of maintaining the statistical department of the American Railway Clearing House, but it was not made obligatory on all roads to enter into the pooling arrangement.

The idea of the clearing house pooling plan is to enable each road to have on its own rails at all times as many freight cars as it owns, regardless of the number of its own cars on hand.

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FIVE CENT FARE BILL PASSED.

Only Five Votes Against the Measure in the Assembly.

ALBANY, April 24.—With only five votes in opposition Assemblyman Wagner's bill providing for a five cent fare to Coney Island passed the Assembly to-day. This is the bill that precipitated a lively time in the lower house when it came up on the order of second reading about ten days ago. It was declared by Speaker Wadsworth and Majority Leader Moreland that it was useless to act on the bill; that the new public utilities commission for New York city would have ample authority in the matter. But it was discovered that this was one of the matters that the commission couldn't touch.

Assemblymen Wainwright and Wells attacked the bill to-day. They declared it was unconstitutional, in that it excepted from its provisions a trunk line railroad, and applied only to street surface railroads. Those who voted in opposition were Assemblymen Egan, (Rep.), Frisbie (Rep.), Schenectady, Newton (Rep.), Corbett, Wainwright (Rep.), Westchester and Wells (Rep.). New York provides that no corporation controlling or operating a railroad of any kind within this State shall charge any passenger more than five cents for one continuous ride from any point on its road, line or branch operated by it or under its control by lease or otherwise, within the limits of any incorporated city or village to any other point on such road, line or branch, operated by it or under its control by lease or otherwise.

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McCLELLAN'S APPEAL ARGUED.

The Hearst Court Warrant Case Before the Court of Appeals.

ALBANY, April 24.—The appeal of Mayor George B. McClellan from an order of the Appellate Division, First Department, in the case involving the action of William R. Hearst to try to the position of Mayor of New York city, was argued before the Court of Appeals this afternoon. The case came up on the order of the Appellate Division's order which affirmed an order denying a motion to vacate and set aside the summons and complaint and the writ of habeas corpus for the Mayor. The case was argued for Mayor McClellan by Eugene L. Richards and former Judge G. D. Hasbrouck and by Deputy Attorney General Charles A. Dolan for the respondent, the people of the State.

The Court of Appeals is to determine whether the decision of former Attorney General Mayer, denying the application of William R. Hearst to leave to bring a quo warranto action to try the title to the Mayoralty, was a valid one. The case was argued for Mayor McClellan by Eugene L. Richards and former Judge G. D. Hasbrouck and by Deputy Attorney General Charles A. Dolan for the respondent, the people of the State.

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WHO WANTS TO INVESTIGATE?

CITY MAGISTRATES CURIOUS ABOUT A BUFFALO BILL.

Some Commission With a Salaried Secretary, Possibly Not From Buffalo at All, Suspected of Being Willing to Report itself for Duty to Governor Hughes.

Most of the members of the Board of City Magistrates were surprised yesterday to read that Assemblyman John Scott O'Brien had introduced a bill in the Legislature calling for the appointment by the Governor of a commission to investigate the Magistrates' and other minor courts and to make recommendations to the next Legislature. When they saw that the sum of \$15,000 was to be set aside for the payment of expenses, including a secretary, some of them said they were confident that the bill did not emanate from Buffalo, whence Assemblyman O'Brien hailed, but from this city.

Several said it was evidently an enterprise to provide comfortable employment for certain reformers. One of the Magistrates, who has been counted among the most upright of the men on the police bench in this city, said:

"There is no need of such an investigation. The SUN has recently done that work effectively. There is nothing more to be found out. We all know that there has been grafting, and that to some extent it still goes on. The police and lawyers stand together on occasions and the ignorant suffer. We all know what the bond evils were and how they came about, and also who benefited by them. We know what a farce the good behavior bonds have always been. We know how the political leader has worked his pull in these courts. We know how some clerks have reduced the gravity of charges when an opportunity has presented itself. There is not a phase of corruption in these courts that is not out of which are not known thoroughly."

What is of greater importance is that within the last six months, thanks to THE SUN's agitation, our police have been improved vastly. Within a month Magistrate Whitman said that he never saw a more orderly court than he was presiding over at present. He has a clean record and he keeps his eyes open and has a firm purpose. This commission can find out nothing. It can recommend that the Mayor appoint good men to be Magistrates. But if he keeps his eyes open and has a firm purpose, it should not require a commission to find that out. A secretary with a \$5,000 salary could probably say that with a lot of nice words thrown in, and he could produce a lot of statistics, but what is the use of spending \$15,000 of the people's money for such a luxury?"

It was said yesterday that the influence behind the bill are almost entirely from this city and that the measure was introduced by a Buffalo man to give it the appearance of not coming from New York. No list of the proposed commissioners was made public, but it was said that the names have all been agreed upon to submit to the Governor. One of the men who was interested in the bill as a citizen and who would not object to serving, it was said, was Lawrence Veiller. It was thought that if the commission should be appointed Homer Folks would also be considered for a place.

TO PROBE STATE DEPARTMENTS.

Moreland's Bill to Be Reported—Rules Committee Has Local Option Bill.

ALBANY, April 24.—The Assembly will put it up to the Senate as to whether or not Gov. Hughes shall have the power to investigate the State departments, either personally or through commissions that he may appoint. The Assembly Ways and Means Committee to-day voted to report favorably to-morrow Assemblyman Moreland's bill giving the Governor that power. There are reasons to suppose that there are certain Republican Senators who might not be at all anxious to have the Governor probing into the secrets of some of the State departments.

The Assembly Codes Committee decided to report favorably Assemblyman Moreland's bill which prohibits the employment of expert testimony in criminal cases where insanity is the defense. The bill permits testimony as to the insanity of the defendant by persons who have been actual observers of his condition prior to the commission of the crime and after it, but all testimony must be the result of personal contact with the defendant.

The Assembly Rules Committee will have the say as to whether or not the local option bill will be brought before the Assembly. To-day Assemblyman Winters, who introduced the measure, being the only one to have the bill reported by the Executive Committee. The motion to report was voted down, Assemblymen Whitney, Volk, Gray and Stevens being the only supporters of the motion. Assemblymen Brook, Reece, Conklin, Ralston, Hackett, Schwelger, Bauman and Foley voted against reporting the bill.

The Senate to-day passed the Senate Taxation Committee's bill amending last year's mortgage tax law. The amendment changes the rate of the tax from one percent to one and one-half percent, and the main change is to let in the old mortgages.

The Senate also passed Senator Alldis's bill amending the stock transfer tax law, which permits the State Comptroller to inspect the books of brokers and bucket shop proprietors, and Assemblyman Wells's bill authorizing the Department of Parks of New York city to construct extensions to the Metropolitan Museum of Art, and for that purpose the city is to appropriate annually for the next ten years \$750,000.

The Assembly advanced to a third reading Senator Heacock's railroad demurrage bill.

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MADISON SQUARE New York

HERBERT PARSONS IN ALBANY.

One of His Objects Was to Defeat Bill Providing for More Municipal Judges.

ALBANY, April 24.—Following so soon after his visit to the President at Washington, it was believed that the visit of Herbert Parsons, president of the New York county Republican committee, to Albany to-day might be construed as "carrying a message to Garcia."

Whether there was anything of the kind, however, neither he nor Gov. Hughes, nor in fact any one else, would say. But Mr. Parsons's activity about the Assembly Chamber and his being closeted with Speaker Wadsworth for some time was due to the fact that Mr. Parsons and Gov. Hughes once more differed in regard to legislation.

Mr. Parsons's main object, at least the one that became known concerning his reason for coming to Albany, was to defeat the bill introduced by Speaker Wadsworth for more municipal judges. Mr. Parsons spoke to Speaker Wadsworth about this proposed bill, and he also went to the Governor on that subject. What Mr. Parsons's reasons are for opposing this bill he would not divulge, and when any one else was approached on the subject the answer was "Oh, Mr. Parsons spoke to me in confidence."

The bill providing for additional Municipal Court Judges, however, has really the approval of Gov. Hughes. He recommended legislation that would relieve the inferior courts of New York city from their congested condition, and it is understood that the Governor has approved of the bill. It is now in the hands of a sub-committee of the Assembly Codes Committee and a new measure is being drawn by the sub-committee.

Whether Mr. Parsons's objection will be of any avail, however, so that if the bill does pass he will be sure of having two or three Republican Judges in his district. He has the boundaries of his district changed so as to make sure that the district would be Republican. Friends of the bill say that the Republicans next fall could elect their quota of judges, and the opportunity for getting more Republican judges was never so good as at present.

Mr. Parsons also spoke on the appointment bill to Gov. Hughes. He and William Leary, the Superintendent of the Metropolitan Elections district, saw the Governor.

Mr. Parsons also impressed upon Speaker Wadsworth and Assembly Republican leaders that it was of vital importance that the Assembly should pass the bill giving New York city an official primary ballot.

To-day the Assembly Judiciary Committee reported favorably Assemblyman Prentice's bill which permits the dropping of names that have been placed on the enrollment books through fraudulent methods.

CAPABLE YOUNG ESTRAYS.

Miss Louise Taring Managed This Trip Around New York.

Thirteen-year-old Louise Taring and her brother, Edward, aged 5, of 676 Washington avenue, Brooklyn, and ten-year-old Hilda Christianson of 732 Washington avenue, who went away together Tuesday afternoon, have had their relatives and the police searching for them ever since, were found sleeping in the doorway of an apartment house at 1573 Lexington avenue, Manhattan, at 10 o'clock last night. The janitors called in Policeman Murtha.

"Aren't you the runaway children from Brooklyn?" he asked.

The other two children looked at Louise, and she admitted that they all lived in Brooklyn. They were taken to the 104th street station house, where the children looked so hungry that Lieut. McGuire asked them when they had eaten last. Louise said they had had nothing since Tuesday afternoon. He got a pair of coffee and a lot of sandwiches. Louise said that her mother had told her never to drink coffee, and she guessed she wouldn't eat anything either. She gave her share to her brother, who ate it all.

Louise said that her mother gave her ten cents on Tuesday for being a good girl, and she took her little brother out with her. She met the Christianson girl and they got on a St. John's place street car and came to New York.

In City Hall Park they asked a man for a penny to take them home, and got ten cents. They got on a sixth avenue elevated train and rode to 155th street. The children walked the street in the rain until nearly midnight, when the younger ones began to cry because they heard thunder. A woman asked them if they were lost and they said "yes," so she took them to her home to sleep. She let them go yesterday morning, without anything to eat, when they said they could find their way home.

They walked around Harlem all day, yesterday looking for Washington avenue and late in the afternoon Edward announced that he was tired of looking and ran away from the girls.

Louise and Hilda decided to report him to the police. They went to the East 104th street station, and found the boy there. They claimed him and got him, and started out again. When they got so tired they couldn't walk any more, they went into the hallway of the house where they were found, and went to sleep.

Their mothers got them all last night.

WILL BENEFITS HOSPITAL.

And Employees of the Broadway Savings Institution.

The Presbyterian Hospital will receive between \$120,000 and \$150,000 by the will of Peter Cumming, founder and former president of the Broadway Savings Institution, who died on Monday. The executors, Horace F. Hutchinson, J. Barre King and Richard B. Curry, think the entire estate will be something short of \$300,000. The employees of the bank are remembered in the will. Mr. Cumming was a widower and had no near relatives. The funeral, which is to be held from the home, 7 West Eighth street, to-day, is in charge of the bank's president, Horace F. Hutchinson.

NEW MAGISTRATES SELECTED.

ALL THREE ASSISTANTS TO THE CORPORATION COUNSEL.

Arthur C. Butts, Charles N. Harris and Frederic Keruochan to Take the Places of Baker, Sweetser and Finette—No District Leaders' Nominees This Time.

Mayor McClellan announced yesterday that it was his intention to fill the three vacancies which are to occur on May 1 in the Board of Magistrates with these appointments:

Arthur C. Butts to succeed Magistrate Baker for a term of ten years. Charles N. Harris to succeed Magistrate Sweetser for a term of ten years. Frederic Keruochan to succeed Magistrate Finette for a term of ten years.

In these appointments the Mayor has broken away from the policy he adopted in some of his previous selections of putting men on the Magisterial bench because of the backing they had of Tammany district leaders. Although the Mayor would make no comment yesterday on the appointments, it is understood that his selections were made after conferences with Corporation Counsel Ellison, and after having satisfied that the three men were qualified for their new positions, because of the excellent legal services they have already given to the city.

Arthur C. Butts is at present the Assistant Corporation Counsel, representing the city of New York at Albany. He is a resident of The Bronx and a Democrat. Mr. Butts represented his district for a number of years in the Assembly, and has served as an Assistant Corporation Counsel under Corporation Counsel Whalen, Delany and Ellison.

Charles N. Harris is at present an Assistant Corporation Counsel, having been originally appointed by Corporation Counsel Morgan J. O'Brien, and having served under Corporation Counsel Beekman, Scott, Whalen, Rives, Delany and Ellison. Mr. Harris was graduated from Georgetown College in 1871 and from the Columbia Law School in 1873, and has practiced law in the offices of Coudert Bros. and Bowles & Sands. He is a resident of the Borough of Manhattan and a lifelong Democrat. Mr. Harris, who is a son-in-law of Dr. Thomas Addis Emmet, is a member of the Catholic Club and a trustee of St. Stephen's Catholic Church. He is also a member of the Bar Association.

Frederic Keruochan is a resident of the Borough of Manhattan and a member of the Twenty-fifth Assembly district. He was graduated from Yale University in 1891 and from the New York Law School in 1900. Mr. Keruochan was appointed an Assistant Corporation Counsel by Corporation Counsel Rives, and as Deputy Assistant District Attorney by Mr. Jerome. He is now practicing law as a member of the firm of Moffat & Webb, Keruochan, Rives and as a member of the Bar Association and of the University and Knickerbocker clubs.

ARCHBISHOP OF NEW ORLEANS.

Cardinal Gibbons Tells How Pope Was Elected Through His Inspiration.

NEW ORLEANS, April 24.—James Hubert Blenk received the pallium as archbishop of New Orleans to-day at the St. Louis Cathedral. It was bestowed by Cardinal Gibbons, Archbishop of Baltimore. St. Louis, Archbishop Moeller of Milwaukee and Archbishop Moeller of Cincinnati took part in the ceremony. Archbishop Harty of Manila did not reach here in time but will be here to-morrow.

Among the Bishops present were the Right Rev. J. D. Morris of Little Rock, Vaude Vein of Natchitoches, Estrada of Havana, W. J. Kenny of San Augustine, Kelly of Savannah, of New Orleans, Allen of Mobile, Byrne of Nashville, Dunn of Dallas, Meschery of Indian Territory, Vandanger of Brownsville, Cotter of Winona, Heslan of Natchez, Hennessy of Atlanta, Janssens of Bellevue, Scannell of Omaha, Gallagher of Galveston and McCloskey of Louisville. The cathedral was beautifully decorated and was filled with a distinguished audience.

The ceremonies were followed by a banquet at which Cardinal Gibbons made a memorable address, responding to the toast, "The Holy Father," in which he described the election of Pius X., saying that at the first ballot Cardinal Gibbons received 3 votes, next, 10 then 17, next 21, and then, one morning he received 27 votes, the fated number for election.

Cardinal Gibbons arose and said he was not a candidate. "I beg of you, my brethren," said Cardinal Gibbons, "to pass my name. I am unfit for the exalted position. I have a few gray locks, I have passed my shoulders and I implore you, my venerable colleagues to entirely forget my name."

I returned to my room and brooded over the matter, continued Cardinal Gibbons. There was no strong candidate in sight, and I foresaw another long session of the conclave.

I received a visit from a distinguished member of the Sacred College, and I suggested to him—it seemed an inspiration—"Suppose you should call on the Patriarch of Venice and influence him in the name of God to reconsider his declaration and to sacrifice himself for the sake of the Church. This distinguished friend went away and in a little while returned and whispered in Latin, "Accept," which means he had accepted. I told his Eminence to make a short address to the council and inform them that Cardinal Gibbons had reconsidered his declaration and was now, to use an American political expression, "in the hands of his friends." The announcement was made; the election followed.

GUILTY OF MURDER, SECOND DEGREE.